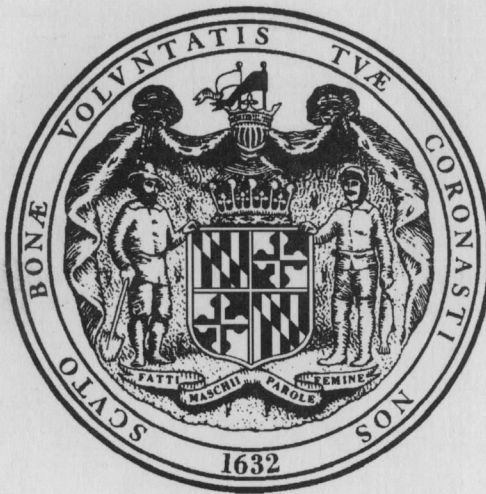


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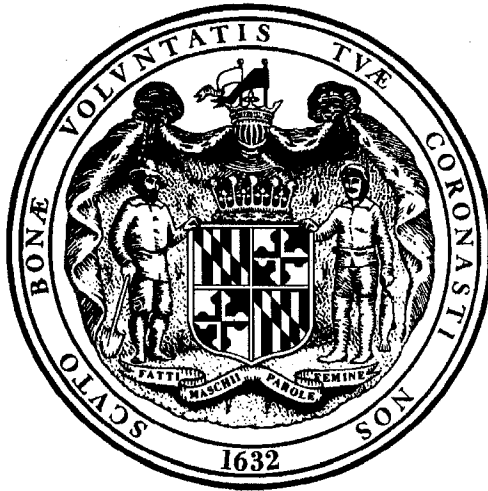
EXECUTIVE ORDERS STATE OF MARYLAND



1997



EXECUTIVE ORDERS
STATE
OF
MARYLAND



1997

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EXECUTIVE ORDER OF APRIL 1, 1997

01.01.1997.01

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Parris N. Glendening, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 1997 regular session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended session except a provision for the cost thereof.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 1997 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 7, 1997, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

EXECUTIVE ORDER OF JUNE 17, 1997

01.01.1997.02

Maryland Commission for Celebration 2000

WHEREAS, During the 20th Century, Marylanders have made important contributions to the greatness of our nation while enhancing the character and quality of life in our State;

WHEREAS, The Century is coming to a close and, with the dawn of the new millennium, Marylanders should celebrate the State's rich history and promising future;

WHEREAS, The State of Maryland and its citizens can derive substantial benefit from studying and celebrating the remarkable developments achieved during this Century, our cultural heritage and traditions, and the ideas that continue to shape our common democracy;

WHEREAS, The State of Maryland and its citizens will benefit from coming together as a community with pride in its past to anticipate the new horizons of the next century; and

WHEREAS, The State, through a partnership with the Coalition for Maryland History and Culture and a Commission for Celebration 2000, can more readily access governmental, community, and private foundation support to plan and implement such a singular celebration.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Maryland Commission for Celebration 2000.
- B. The Commission shall consist of not more than 30 members, including:
 - (1) The Secretary of Housing and Community Development, or a designee;
 - (2) The Secretary of Business and Economic Development, or a designee;
 - (3) One member of the Senate of Maryland appointed by the President of the Senate;
 - (4) One member of the Maryland House of Delegates appointed by the Speaker of the House;
 - (5) The President of the Coalition for Maryland History and Culture, Inc. or a designee;
 - (6) Up to 25 members appointed by the Governor to represent local government, business, educational, cultural, historical, promotional, civic and other institutions and organizations within the State.
- C. To the extent possible, the Commission membership shall be representative of diverse communities and regions within the State.
- D. The Governor shall designate a Chairperson from among the members of the Commission.
- E. The Governor may remove any member of the Commission for any cause adversely affecting the member's ability or willingness to perform the member's duties.
- F. In the event of a vacancy, the Governor shall appoint a successor.
- G. Scope. The Commission is hereby charged with the following duties:
 - (1) Providing leadership and advice for concept development, planning, and implementation of:
 - (a) The New Year's Celebration 2000 and other related celebrations throughout the State commemorating the dawn of the new millennium;

- (b) Various historical, cultural and educational events and activities throughout the State celebrating Maryland's past and future; and,
 - (c) Other activities or projects deemed appropriate in connection with the celebration of the year 2000;
 - (2) Advising the Governor, the General Assembly and local governments and community groups on matters relating to the events and activities planned by the Commission;
 - (3) Establishing a broad-based network of community and professional support for planning the events and activities;
 - (4) Securing support and financial resources to implement the events and activities planned by the Commission; and
 - (5) Performing other actions necessary to carry out the duties of the Commission.
- H. Principal staff support for the Commission shall be provided by an Executive Director through the Department of Housing and Community Development. The Maryland State Archives and other agencies shall assist when requested by the Commission.
- I. Procedures.
- (1) The Commission shall meet at least quarterly at times and places to be determined by the members.
 - (2) The Commission may appoint committees from among its own members and others to address specific tasks relating to the planning and implementation of events and activities.
 - (3) A majority of members of the Commission shall constitute a quorum for the transaction of any business.
 - (4) The Commission may adopt other procedures necessary to ensure the orderly transaction of business.
 - (5) By December 1 of each year, the Commission shall submit a report to the Governor including recommendations for any legislative, administrative, or other action the Commission deems necessary to further its mission.
- J. The members of the Commission may not receive any compensation for their services. The members may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the standard State travel regulations and as provided in the State budget.
- K. This Executive Order shall terminate and be of no effect after January 1, 2001.

EXECUTIVE ORDER OF JUNE 30, 1997

01.01.1997.03

Preventing Displacement of Workers by the Family Investment Program

WHEREAS, The purpose of the Family Investment Program is to promote economic independence;

WHEREAS, The Family Investment Program was not intended to displace hard working Marylanders;

WHEREAS, Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, the State must place Temporary Cash Assistance recipients in work activities within 24 months of first receiving assistance and may provide no more than 60 months of assistance over an individual's lifetime;

WHEREAS, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Welfare Innovation Act of 1997, Chapter 593 of the 1997 Laws of Maryland, include specific prohibitions on displacing employees with Temporary Cash Assistance recipients;

WHEREAS, Section 5 of the Welfare Innovation Act of 1997 states "That it is the intent of the General Assembly that the Department of Human Resources make every effort to ensure that adult Family Investment Program recipients engaged in work activities under the Family Investment Program established under Article 88A of the Code not be employed or assigned to jobs: (1) that displace or partially displace current employees or positions; (2) that replace individuals who are laid off from the same or any substantially equivalent job; or (3) where an employer has terminated the employment of a regular employee, or otherwise caused an involuntary reduction of its work force in order to fill the vacancy so created with an adult Family Investment Program recipient";

WHEREAS, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that Maryland establish a grievance procedure for resolving complaints of alleged prohibited displacement and Section 6 of the Welfare Innovation Act of 1997 requires that this grievance procedure include an opportunity for a hearing before the Office of Administrative Hearings; and

WHEREAS, It is desirable to clarify the definition of displacement in order to protect working Marylanders and to establish a full and fair grievance procedure for working Marylanders that includes input from the community.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions.

- (1) In this Executive Order the following words have the meanings indicated.
- (2) "Displacement" means employing or assigning a subsidized participant when:
 - (a) The employer has terminated the employment of an employee, or the employee's current position, or otherwise caused an involuntary reduction in its work force;
 - (b) An individual is hired while any other person is on layoff, including seasonal layoff, from the same or substantially equivalent position;
 - (c) The employer has reduced the hours of any employee in the same or substantially equivalent position to less than full time; or
 - (d) Such employment or assignment results in the impairment of an existing contract for services.
- (3) "Employer" means a person or governmental entity which employs at least one individual within the State.
- (4) "Subsidized employment" means employment in the public or private sector which is supported in part by federal or State funds for a limited time. Employment for which an employer receives a tax credit is not subsidized employment.
- (5) "Subsidized participant" means an adult in a family receiving Temporary Cash Assistance under the Family Investment Program who is engaged in subsidized employment or work experience.
- (6) "Unsubsidized employment" means employment in the public or private sector which is not supported by federal or State Family Investment Program funds. Unsubsidized employment is an arrangement solely between the employer and the employee.
- (7) "Work experience" means time-limited preparation for employment in a public or private work setting. Work experience participants are not employees and remain recipients of Temporary Cash Assistance, Medical Assistance and, in many cases, Food Stamps. Work experience participants may also receive an expense allowance but do not receive wages.

B. Prohibition on Displacement.

- (1) The Department of Human Resources shall conduct the Family Investment Program in such a manner that employees in the State of Maryland are not subject to displacement.

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- (2) This Executive Order shall not be construed to limit an employer's right to claim a tax credit under Maryland Annotated Code Art. 88A, § 54, for wages paid for unsubsidized employment to a qualified employment opportunity employee.

C. Grievance Procedure.

- (1) The Department of Human Resources shall establish by regulation a grievance procedure for resolving complaints by an employee who has a claim of displacement. The parties to this grievance procedure are the grievant and the employer. This procedure shall afford an opportunity for full participation by the parties.
- (2) A complaint shall be filed with the local department of social services within 30 days after either the alleged cause of the complaint or the date the grievant should have known of the alleged cause of the complaint.
- (3) Within 10 calendar days of receiving a complaint, the local department of social services shall schedule a conference with the grievant. The grievant shall present information to support the grievant's complaint. The local department may also contact and hold an additional conference with the employer. Within 15 days of the initial conference with the grievant, the local department shall issue a written decision to the parties.
- (4) There is a Welfare Displacement Review Panel. The Welfare Displacement Review Panel consists of:
 - (a) Two representatives from the Department of Human Resources;
 - (b) One representative from the Department of Labor, Licensing and Regulation; and
 - (c) Two public representatives appointed by the Secretary of Human Resources.
- (5) Any party which does not agree with the local department decision may request a conference before the Welfare Displacement Review Panel.
- (6) The Welfare Displacement Review Panel shall:
 - (a) Hold a conference within 30 days of receipt of the request, unless the parties agree to an extension; and
 - (b) Within 30 days of the conference, issue a written decision to the parties.

- (7) Any party which does not agree with the Welfare Displacement Review Panel decision may request a fair hearing before the Office of Administrative Hearings in the same manner that a recipient would request a fair hearing under COMAR 07.03.11.
- (8) The Office of Administrative Hearings hearing shall be on the record, and shall be conducted in accordance with the Administrative Procedure Act, COMAR 28.02.01 and the regulations of the Department of Human Resources. The Office of Administrative Hearings shall issue a final decision which may be appealed to the circuit court pursuant to the Administrative Procedure Act.
- (9) If displacement is found at the final level in the grievance process, the local department may provide for the following remedies:
 - (a) Removing the subsidy in the case of subsidized employment; or
 - (b) Removing the subsidized participant from a work experience placement.
- (10) Nothing in this Executive Order shall be construed to limit the ability or right of any individual or his or her representative from pursuing available procedures and remedies under any applicable collective bargaining agreement or any other law.

D. Commission on Inadvertent Displacement.

- (1) There shall be a Commission on Inadvertent Displacement.
- (2) Membership.
 - (a) The Commission consists of the following members or their designees:
 - (i) The Secretary of Human Resources;
 - (ii) The Secretary of Labor, Licensing and Regulation;
 - (iii) One member of the Senate appointed by the President of the Senate;
 - (iv) One member of the House of Delegates appointed by the Speaker of the House;
 - (v) One member of the Governor's staff appointed by the Governor;
 - (vi) One member of the public appointed by the Governor to represent employees who may be at risk of inadvertent displacement; and

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- (vii) One member of the public appointed by the Governor to represent employers who participate in the Family Investment Program.
- (b) The Governor shall appoint the chairperson from among the members of the Commission.
- (c) The members of the Commission may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations as provided in the State budget.
- (d) The Department of Human Resources shall provide staff support and technical assistance to the Commission.
- (3) Duties of the Commission. The Commission on Inadvertent Displacement shall:
 - (a) Examine the issue of inadvertent displacement of employees and positions which could potentially result from the operation of the Family Investment Program;
 - (b) Evaluate the extent to which inadvertent displacement occurs and the factors which affect the likelihood that it will occur; and
 - (c) Review and recommend options to address any concerns or problems brought to light by the examination of the Commission.
- (4) The Commission shall submit a final report to the Governor on or before December 31, 1997.
- E. Implementation. The Department of Human Resources shall promulgate any and all regulations necessary to implement sections 5 and 6 of the Welfare Innovation Act of 1997.

EXECUTIVE ORDER OF JULY 8, 1997

01.01.1997.04

Governor's Task Force on African American Entrepreneurship in Baltimore City

(Amends 01.01.1996.17)

WHEREAS, The Governor's Task Force on African American Entrepreneurship was created by Executive Order in 1996 to examine, study, and formulate a strategic plan for the creation of greater entrepreneurial opportunities for African Americans in Baltimore City; and

WHEREAS, Due to the magnitude of this project it is appropriate to extend the time

for the completion of the duties of the Task Force from April 30, 1997 to December 31, 1997.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Task Force on African American Entrepreneurship in Baltimore City.
- B. The Task Force shall be composed of ten members as follows:
 - (1) Two Baltimore City members of the Senate of Maryland appointed by the President of the Senate;
 - (2) Two Baltimore City Members of the House of Delegates appointed by the Speaker of the House;
 - (3) One member of the Maryland Economic Development Commission designated by the Chairman; and
 - (4) Five members of the general public appointed by the Governor in consultation with the Mayor of the City of Baltimore.
- C. The Governor shall designate the chairperson of the Task Force.
- D. The Governor's Office of Minority Affairs shall provide staff support and technical assistance to the Task Force.
- E. A member of the Task Force:
 - (1) May not receive compensation; but
 - (2) Is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.
- F. The Task Force shall:
 - (1) Examine the nature and scope of currently available opportunities for entrepreneurship for African Americans in Baltimore City;
 - (2) Study how entrepreneurial opportunities for African Americans in Baltimore City can be increased to a level that is more proportionate for a city that has a majority population of African Americans; and
 - (3) Formulate a strategic plan for the creation of greater entrepreneurial opportunities for African Americans in Baltimore City.
- G. The Task Force may:
 - (1) Review the efforts of other states and cities to study and address this issue;

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- (2) Consult with outside experts concerning entrepreneurial opportunities for African Americans in Baltimore City;
 - (3) Receive testimony that the Task Force considers appropriate; and
 - (4) Develop any recommendations that it considers appropriate for changes in statutes, regulations, organization, or procedures.
- H. On or before [April 30, 1997] December 31, 1997, the Task Force shall report its findings and recommendations to the Governor and the Mayor of Baltimore City.
- I. This Executive Order shall terminate and be of no effect after [April 30, 1997] December 31, 1997.

EXECUTIVE ORDER OF AUGUST 13, 1997

01.01.1997.05

Governor's Pesticide Council

(Amends 01.01.1993.21)

WHEREAS, The Governor's Pesticide Council was established in 1990 to provide advice to the Governor, State agencies and local governments on the safe use, management, and control of pesticides;

WHEREAS, The Council plays a vital role in reducing the health risks posed to individuals and communities by the use of pesticides; and

WHEREAS, By including additional representatives of the public, the schools, and interest groups, the Council can increase community involvement in efforts to inform the public about the safe use, management and control of pesticides.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. The Council. There is a Governor's Pesticide Council.
- B. Membership and Procedures of the Governor's Pesticide Council.
 - (1) The Council shall consist of [15] 23 members [appointed by the Governor. Of the members appointed, the Council shall include] INCLUDING:
 - (a) 1 member of the Senate of Maryland, [nominated] APPOINTED by the President of the Senate;
 - (b) 1 member of the House of Delegates, [nominated] APPOINTED by the Speaker of the House;

- (c) The Secretary of Agriculture or a designee;
- (d) The Secretary of Natural Resources or a designee;
- (e) The Secretary of the Environment or a designee;
- (f) The Secretary of Health and Mental Hygiene or a designee;
- (G) THE STATE SUPERINTENDENT OF SCHOOLS OR A DESIGNEE;
- [(g)] (H) 1 representative of the University SYSTEM of Maryland [System] with expertise in pesticides DESIGNATED BY THE CHANCELLOR; AND
- [(h)] (I) 15 MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING:
 - I. [1] 3 [representative] REPRESENTATIVES of the environmental community;
 - [(i)] II. [1] 2 [representative] CONSUMERS [who represents] FROM the general public;
 - [(j)] III. 1 representative of the pesticide manufacturing industry;
 - [(k)] IV. 1 representative of the Governor's Science Advisory Council with expertise in pesticides;
 - [(l)] V. [1] 2 [representative representing public] health PROFESSIONALS WITH KNOWLEDGE IN PUBLIC HEALTH AND/OR HEALTH RISK ASSESSMENT;
 - [(m)] VI. [1] 2 [representative representing] REPRESENTATIVES OF the agricultural community;
 - [(n)] VII. 1 representative of the pest control industry; [and]
 - [(o)] VIII. [1 representative] 2 REPRESENTATIVES of local government; AND
 - IX. 1 REPRESENTATIVE OF A LABOR ORGANIZATION.
- (2) The Governor shall [appoint] DESIGNATE the Chairperson from the members of the Council.
- (3) The Governor may remove any member of the Council for any cause adversely affecting the member's ability or willingness to perform his or her duties.
- (4) [The term of a member is three years.] MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE 3-YEAR STAGGERED TERMS.

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- (5) [The terms of the members shall be staggered, so one-third of the Council will be appointed each year.
- (6)] A member of the Council may be reappointed by the Governor at the end of a term.
- [(7)] (6) In the event of a vacancy on the Council, the Governor shall appoint a successor.
- [(8)] (7) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- [(9)] (8) A majority of the Council shall constitute a quorum for the transaction of any business. The Council may adopt such other procedures necessary to ensure the orderly transaction of business.
- (10)] (9) The members of the Council may not receive compensation for their services. The members may be reimbursed for their reasonable expenses incurred in the performance of their duties, in accordance with the standard travel regulations as provided in the State budget.
- [(11)](10) The Chairperson may appoint subcommittees, as necessary, to study specific issues of the Council.
- [(12)](11) The Council may establish advisory committees to address specific pesticide related matters as may be needed to carry out the intent of this Executive Order. These matters may include:
- (a) Food safety;
 - (b) Pesticide application;
 - (c) Biotechnological uses;
 - (d) Impacts on groundwater;
 - (e) Integrated pest management PROGRAMS;
 - (f) Homeowner use;
 - (g) Endangered and threatened species PROTECTION;
 - (h) Worker protection;
 - (i) Disposal; and
 - (j) Other issues as necessary.
- [(13)](12) The Department of Agriculture shall provide necessary staff support to the Council. The Council shall ALSO call upon the STAFF AND RESOURCES OF THE Department of the Environment, Department of Natural Resources, the University SYSTEM of Maryland [System], and the Department of Health and Mental Hygiene [staff], as necessary.

- C. Scope of the Council. The council shall advise and assist the Governor, the Department of Agriculture, and other State agencies in the following functions:
- (1) To inform and advise the Governor on matters involving pesticides and to recommend to the Governor any proposed legislation or regulations which may be deemed necessary for the management and control of pesticides in Maryland;
 - (2) To carry out a program of planning for the long-range needs and problems concerning aspects of pesticide manufacture, transport, storage, use, and disposal;
 - (3) To undertake an assessment of current pesticide management programs and their adequacy for insuring reasonable and safe manufacture, transport, storage, use, and disposal of pesticides in Maryland;
 - (4) To evaluate the Toxics Management Strategy of the Chesapeake Bay Agreement and to review and evaluate the Maryland pesticide management strategy to ensure that it is consistent with and supports the baywide program;
 - (5) To encourage the Department of Agriculture and other State agencies to provide professional advice and information to citizens of the State on matters relating to pesticides including a pesticide use and disposal education program; and
 - (6) To evaluate the use of pesticides by State agencies and on State properties.
- D. The Council shall report annually to the Governor. Interim reports will be provided as necessary.

EXECUTIVE ORDER OF OCTOBER 3, 1997

01.01.1997.06

State Coordinating Committee for Human Services Transportation

WHEREAS, Changes in American society, such as welfare reform, health care reform, the growing population of senior citizens and the Americans With Disabilities Act will increase the demand for transportation alternatives in the 21st Century and Maryland must recognize these needs and be prepared to meet them;

WHEREAS, The Federal Transit Administration and the Department of Health and Human Services convened a meeting in Philadelphia in November 1995 to bring together state transportation and human services specialists with federal officials to exchange information on this issue;

WHEREAS, Following the Philadelphia meeting, Maryland formed an Ad Hoc

Committee for Human Services Transportation, providing a framework for State and local officials to examine the transportation needs of special populations, exchange information, and begin strategic planning to promote the coordination of transportation services; and

WHEREAS, As part of its report, the Ad Hoc Committee for Human Services Transportation recommended that the Governor establish an ongoing Coordinating Committee to identify needs and develop strategies to ensure the coordination of human services transportation within the State.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is a State Coordinating Committee for Human Services Transportation.
- B. Membership and Procedures.
 - (1) The Committee shall consist of the following members:
 - (a) The Secretary of Transportation, or a designee;
 - (b) The Secretary of Human Resources, or a designee;
 - (c) The Secretary of Health and Mental Hygiene, or a designee;
 - (d) The Director of the Maryland Office On Aging, or a designee;
 - (e) The Director of the Governor's Office for Individuals with Disabilities, or a designee; and
 - (f) Additional members recommended to the Governor by the Chairperson of the Committee as needed to provide input from local governments, employers, agencies and organizations serving targeted populations, transportation providers and consumers from targeted populations.
 - (2) The Governor shall designate a Chairperson from among the members of the State agencies on the Committee.
 - (3) A member recommended by the Chairperson shall serve as long as the member's expertise in a given area is required.
 - (4) The Chairperson may remove any member of the Committee for any cause adversely affecting the member's ability or willingness to perform the member's duties.

- (5) The members of the Commission may not receive any compensation for their services. The members may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the standard State travel regulations and as provided in the State budget.
- (6) Staff for the Committee will be supplied by the various State agencies as needed.

C. Scope of the Committee. The Committee shall:

- (1) Examine the transportation needs of citizens who are elderly, disabled and individuals requiring transportation to access jobs, medical and health appointments, senior citizen programs and activities, training and education programs and other specialized programs;
- (2) Coordinate Maryland's efforts to provide quality human services transportation services by working with appropriate federal, State and local agencies, transit customers and transportation providers to develop a cooperative, coordinated senior citizen and human services transportation system;
- (3) Devise a five-year human services transportation plan to help citizens access jobs, education and training programs, health care services and senior citizen activities by providing cost-effective, affordable, high capacity, high quality, easily understood, safe and accessible transportation; and
- (4) Serve as the clearinghouse for transportation coordination issues throughout the State, identify local and statewide issues, transportation resources and cost-saving measures, investigate the need for the establishment of standards for vehicles and drivers and examine other appropriate areas that facilitate the development of a quality human services transportation system in Maryland.

D. Reports to the Governor. The Committee shall provide an annual report to the Governor outlining its progress.

EXECUTIVE ORDER OF NOVEMBER 3, 1997

01.01.1997.07

Council on Cancer Control

(Amends Executive Order 01.01.1991.22)

WHEREAS, The Council on Cancer Control was established in 1991 to lead a comprehensive statewide effort to prevent and control cancer among Marylanders;

WHEREAS, The initiatives of the Council have not only resulted in improved public education about risk reduction, but also in greater coordination among public and private agencies in targeting prevention and treatment services; and

WHEREAS, To renew and strengthen the State's long term commitment to cancer control, the duties of the Council should be reaffirmed and updated, while the structure of the Council should be expanded to include the vital segments of the provider community and the public.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. The Council. There is a State Council on Cancer Control.
- B. Membership and Procedures.

[(1)] The Council shall consist of [fifteen]:

- (1) UP TO 18 members appointed by the Governor [and include the following] INCLUDING:
 - (A) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR A DESIGNEE;
 - (B) THE SECRETARY OF ENVIRONMENT OR A DESIGNEE;
 - (C) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND, BALTIMORE;
 - (D) THE CHIEF EXECUTIVE OFFICER OF JOHNS HOPKINS MEDICINE;
 - (E) THE DIRECTOR OF THE MARLENE & STEWART GREENEBAUM CANCER CENTER;
 - (F) THE DIRECTOR OF THE JOHNS HOPKINS ONCOLOGY CENTER;
 - (G) A LOCAL HEALTH OFFICER RECOMMENDED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
 - (H) A REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN CANCER SOCIETY, RECOMMENDED BY THE SOCIETY; AND
 - (I) UP TO 10 MEMBERS REPRESENTING THE GENERAL PUBLIC, THE BUSINESS COMMUNITY, AND HEALTH AND SCIENTIFIC DISCIPLINES CONCERNED WITH CANCER CONTROL, AT LEAST ONE OF WHOM IS A CANCER SURVIVOR.

- (a) The Secretary of Environment or designee;
 - (b) The Secretary of Health and Mental Hygiene or designee;
 - (c) The President of the University of Maryland at Baltimore or designee;
 - (d) One member of the Senate of Maryland designated by the President;
 - (e) One member of the House of Delegates designated by the Speaker;
 - (f) Five members from the general public and business community who are interested in the control of cancer; and
 - (g) Five members who are leading representatives of health and scientific disciplines relevant to cancer.]
- (2) (A) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT; AND
- (B) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER.
- [(2)] (3) The Council may, with the approval of the Governor, appoint any number of ex-officio nonvoting members necessary to accomplish its mission.
- [(3)] (4) The Governor shall select the chairperson of the Council.
- [(4)] (5) The Governor may remove any member of the Council for any cause adversely affecting the member's ability or willingness to perform his or her duties.
- [(5)] (6) [The term of a member is two years.] MEMBERS WHO ARE APPOINTED BY THE GOVERNOR SHALL SERVE THREE-YEAR, STAGGERED TERMS. In case of a vacancy[,] IN A POSITION WHICH IS APPOINTED BY the Governor, [shall appoint] a successor SHALL BE APPOINTED for the remainder of the unexpired term. [The member's terms shall be staggered as established during the initial appointments.]
- [(6)] (7) A majority of the Council shall constitute a quorum for the transaction of any business. The Council may adopt any other procedures necessary to ensure the orderly transaction of business.
- [(7)] (8) The members of the Council may not receive any compensation of their services. The public members may be reimbursed for their reasonable expenses incurred in the performance of duties, in accordance with the standard travel regulations, and as provided in the State budget.

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[(8)] (9) The Department of Health and Mental Hygiene shall provide the Council with necessary staff and resources.

C. Scope of the Council.

(1) The Council shall [advise the Governor on]:

- [(a)] The development of a comprehensive State policy and program on controlling and reducing the incidence of cancer and, as necessary, subsequent modifications or revisions of that policy and program;
- (b) The promotion and coordination in cooperation with other federal, State, local, or private agencies of unified programs for public education, prevention, treatment of cancer, improvement of access to testing, screening, and treatment;
- (c) The review of existing and planned cancer programs among the public and private sectors, identifying discrepancies and overlap of programs; and
- (d) The promotion and development of a public-private partnership to identify and address the cancer needs of Marylanders.]
- (A) EDUCATE AND ADVISE GOVERNMENT OFFICIALS, PUBLIC AND PRIVATE ORGANIZATIONS AND THE GENERAL PUBLIC ON COMPREHENSIVE STATE POLICIES AND PROGRAMS AIMED AT REDUCING AND CONTROLLING CANCER INCIDENCE AND MORTALITY AMONG MARYLANDERS;
- (B) IN COOPERATION WITH FEDERAL, STATE, LOCAL AND PRIVATE AGENCIES, PROMOTE AND COORDINATE UNIFIED PROGRAMS THAT IDENTIFY AND ADDRESS THE CANCER FIGHTING NEEDS OF MARYLANDERS SUCH AS PUBLIC AND PRIVATE PARTNERSHIPS TO IMPROVE ACCESS TO PREVENTION, SCREENING AND TREATMENT SERVICES;
- (C) REVIEW EXISTING AND PLANNED CANCER PROGRAMS IN THE PUBLIC AND PRIVATE SECTORS TO ASSURE PROPER ALLOCATION OF STATE RESOURCES;
- (D) PROMOTE AND GUIDE THE USE OF THE MARYLAND CANCER REGISTRY AS A TOOL FOR RESEARCH, PLANNING, EVALUATION AND TARGETING OF CANCER CONTROL PROGRAMS;
- (E) FURTHER THE DEVELOPMENT OF THE MARYLAND CANCER REGISTRY THROUGH THE CANCER REGISTRY ADVISORY COMMITTEE; AND

- (F) RECOMMEND TO THE GOVERNOR, A CHAIRPERSON FOR THE CANCER REGISTRY ADVISORY COMMITTEE FROM THE COUNCIL'S HEALTH AND SCIENTIFIC DISCIPLINE REPRESENTATIVES.

[(2) The Council shall:

- (a) Promote and guide the development of a comprehensive Cancer Surveillance System that includes incidence, stage, mortality, and risk factors;
 - (b) Establish goals and priorities for the Surveillance System;
 - (c) Oversee the transformation of the Maryland Cancer registry into a tool for planning, evaluation, and targeting of cancer control programs through the Cancer Registry Advisory Committee; and
 - (d) Recommend to the Governor a Chairman for the Cancer Registry Advisory Committee from the Council's five health and science representatives.
- (3) By December 1 of each year, the Council shall submit an annual report on its activities to the Governor.]
- (2) REPORTS. THE COUNCIL SHALL SUBMIT AN ANNUAL REPORT OF THE COUNCIL'S ACTIVITIES TO THE GOVERNOR WHICH INCLUDES RECOMMENDATIONS FOR FUTURE EFFORTS BASED ON THE COUNCIL'S WORK. THE ANNUAL REPORT SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR.

EXECUTIVE ORDER OF DECEMBER 29, 1997

01.01.1997.08

Rescission of Obsolete Executive Orders

WHEREAS, This Executive Order is issued to rescind those executive orders that have become obsolete because the purposes for which the orders were issued have been accomplished or because of subsequent Executive or legislative action;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY RESCIND THE FOLLOWING EXECUTIVE ORDERS, EFFECTIVE IMMEDIATELY:

- (1) 01.01.1994.16, Insurance Fraud Advisory Council;
- (2) 01.01.1996.11, Governor's Task Force on Children, Youth and Families Systems Reform; and

1997.09

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- (3) 01.01.1996.16, Task Force on Fair Imposition of Capital Punishment in Maryland.

EXECUTIVE ORDER OF DECEMBER 31, 1997

01.01.1997.09

Preventing Displacement of Workers by the Family Investment Program

(Amends 01.01.1997.03)

WHEREAS, The purpose of the Family Investment Program is to promote economic independence;

WHEREAS, The Family Investment Program was not intended to displace hard working Marylanders;

WHEREAS, Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, the State must place Temporary Cash Assistance recipients in work activities within 24 months of first receiving assistance and may provide no more than 60 months of assistance over an individual's lifetime;

WHEREAS, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Welfare Innovation Act of 1997, Chapter 593 of the 1997 Laws of Maryland, include specific prohibitions on displacing employees with Temporary Cash Assistance recipients;

WHEREAS, Section 5 of the Welfare Innovation Act of 1997 states "That it is the intent of the General Assembly that the Department of Human Resources make every effort to ensure that adult Family Investment Program recipients engaged in work activities under the Family Investment Program established under Article 88A of the Code not be employed or assigned to jobs: (1) that displace or partially displace current employees or positions; (2) that replace individuals who are laid off from the same or any substantially equivalent job; or (3) where an employer has terminated the employment of a regular employee, or otherwise caused an involuntary reduction of its work force in order to fill the vacancy so created with an adult Family Investment Program recipient";

WHEREAS, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that Maryland establish a grievance procedure for resolving complaints of alleged prohibited displacement and Section 6 of the Welfare Innovation Act of 1997 requires that this grievance procedure include an opportunity for a hearing before the Office of Administrative Hearings; and

WHEREAS, It is desirable to clarify the definition of displacement in order to protect working Marylanders and to establish a full and fair grievance procedure for working Marylanders that includes input from the community.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE

CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM
THE FOLLOWING ORDER AMENDING 01.01.1997.03, EFFECTIVE
IMMEDIATELY:

A. Definitions.

- (1) In this Executive Order the following words have the meanings indicated.
- (2) "Displacement" means employing or assigning a subsidized participant when:
 - (a) The employer has terminated the employment of an employee, or the employee's current position, or otherwise caused an involuntary reduction in its work force;
 - (b) An individual is hired while any other person is on layoff, including seasonal layoff, from the same or substantially equivalent position;
 - (c) The employer has reduced the hours of any employee in the same or substantially equivalent position to less than full time; or
 - (d) Such employment or assignment results in the impairment of an existing contract for services.
- (3) "Employer" means a person or governmental entity which employs at least one individual within the State.
- (4) "Subsidized employment" means employment in the public or private sector which is supported in part by federal or State funds for a limited time. Employment for which an employer receives a tax credit is not subsidized employment.
- (5) "Subsidized participant" means an adult in a family receiving Temporary Cash Assistance under the Family Investment Program who is engaged in subsidized employment or work experience.
- (6) "Unsubsidized employment" means employment in the public or private sector which is not supported by federal or State Family Investment Program funds. Unsubsidized employment is an arrangement solely between the employer and the employee.
- (7) "Work experience" means time-limited preparation for employment in a public or private work setting. Work experience participants are not employees and remain recipients of Temporary Cash Assistance, Medical Assistance and, in many cases, Food Stamps. Work experience participants may also receive an expense allowance but do not receive wages.

B. Prohibition on Displacement.

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- (1) The Department of Human Resources shall conduct the Family Investment Program in such a manner that employees in the State of Maryland are not subject to displacement.
- (2) This Executive Order shall not be construed to limit an employer's right to claim a tax credit under Maryland Annotated Code Art. 88A, § 54, for wages paid for unsubsidized employment to a qualified employment opportunity employee.

C. Grievance Procedure.

- (1) The Department of Human Resources shall establish by regulation a grievance procedure for resolving complaints by an employee who has a claim of displacement. The parties to this grievance procedure are the grievant and the employer. This procedure shall afford an opportunity for full participation by the parties.
- (2) A complaint shall be filed with the local department of social services within 30 days after either the alleged cause of the complaint or the date the grievant should have known of the alleged cause of the complaint.
- (3) Within 10 calendar days of receiving a complaint, the local department of social services shall schedule a conference with the grievant. The grievant shall present information to support the grievant's complaint. The local department may also contact and hold an additional conference with the employer. Within 15 days of the initial conference with the grievant, the local department shall issue a written decision to the parties.
- (4) There is a Welfare Displacement Review Panel. The Welfare Displacement Review Panel consists of:
 - (a) Two representatives from the Department of Human Resources;
 - (b) One representative from the Department of Labor, Licensing and Regulation; and
 - (c) Two public representatives appointed by the Secretary of Human Resources.
- (5) Any party which does not agree with the local department decision may request a conference before the Welfare Displacement Review Panel.
- (6) The Welfare Displacement Review Panel shall:
 - (a) Hold a conference within 30 days of receipt of the request, unless the parties agree to an extension; and
 - (b) Within 30 days of the conference, issue a written decision to the parties.

- (7) Any party which does not agree with the Welfare Displacement Review Panel decision may request a fair hearing before the Office of Administrative Hearings in the same manner that a recipient would request a fair hearing under COMAR 07.03.11.
- (8) The Office of Administrative Hearings hearing shall be on the record, and shall be conducted in accordance with the Administrative Procedure Act, COMAR 28.02.01 and the regulations of the Department of Human Resources. The Office of Administrative Hearings shall issue a final decision which may be appealed to the circuit court pursuant to the Administrative Procedure Act.
- (9) If displacement is found at the final level in the grievance process, the local department may provide for the following remedies:
 - (a) Removing the subsidy in the case of subsidized employment; or
 - (b) Removing the subsidized participant from a work experience placement.
- (10) Nothing in this Executive Order shall be construed to limit the ability or right of any individual or his or her representative from pursuing available procedures and remedies under any applicable collective bargaining agreement or any other law.

D. Commission on Inadvertent Displacement.

- (1) There shall be a Commission on Inadvertent Displacement.
- (2) Membership.
 - (a) The Commission consists of the following members or their designees:
 - (i) The Secretary of Human Resources;
 - (ii) The Secretary of Labor, Licensing and Regulation;
 - (iii) One member of the Senate appointed by the President of the Senate;
 - (iv) One member of the House of Delegates appointed by the Speaker of the House;
 - (v) One member of the Governor's staff appointed by the Governor;
 - (vi) One member of the public appointed by the Governor to represent employees who may be at risk of inadvertent displacement; and

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- (vii) One member of the public appointed by the Governor to represent employers who participate in the Family Investment Program.
 - (b) The Governor shall appoint the chairperson from among the members of the Commission.
 - (c) The members of the Commission may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations as provided in the State budget.
 - (d) The Department of Human Resources shall provide staff support and technical assistance to the Commission.
- (3) Duties of the Commission. The Commission on Inadvertent Displacement shall:
 - (a) Examine the issue of inadvertent displacement of employees and positions which could potentially result from the operation of the Family Investment Program;
 - (b) Evaluate the extent to which inadvertent displacement occurs and the factors which affect the likelihood that it will occur; and
 - (c) Review and recommend options to address any concerns or problems brought to light by the examination of the Commission.
- (4) The Commission shall submit a final report to the Governor on or before [December 31, 1997] MARCH 31, 1998.
- E. Implementation. The Department of Human Resources shall promulgate any and all regulations necessary to implement sections 5 and 6 of the Welfare Innovation Act of 1997.

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